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DEC - 8 2009

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December 8, 2009

**Via electronic filing**

Cynthia T. Brown  
Chief of the Section of Administration, Office of Proceedings  
Surface Transportation Board  
395 E Street, SW  
Washington, DC 20423

**Re: Docket No. AB-565 (Sub-No. 1X), *New York Central Lines, LLC—  
Abandonment Exemption—in Middlesex County, MA***

Dear Ms. Brown:

Reference is made to the letter, dated November 6, 2009 (and filed with the Board on December 1, 2009), from Maureen G. Valente, Town Manager, on behalf of the Town of Sudbury ("Sudbury"), requesting an extension of the NITU negotiating deadline for a portion of the 1.4-mile portion of line (the "Sudbury Line") in the above captioned matter that extends north from the Framingham town line at MP QBS 3.40 to the intersection of the former Penn Central Transportation Company line at MP QBS 4.80<sup>1</sup> (the "Sudbury Extension Request"). (The entire line in the above captioned matter consists of a 4.80-mile portion of a line of railroad known as the Albany Division, Fitchburg Subdivision, extending from milepost QBS 0.00 at Framingham to milepost QBS 4.80 at South Sudbury, in Middlesex County, MA (the "Line").)

Reference is also made to the letter, dated November 9, 2009 (and filed with the Board on November 20, 2009), from A. Ginger Esty, Chair, on behalf of the Town of Framingham ("Framingham"), requesting an extension of the NITU negotiating deadline for the 3.4-mile portion of the line (the "Framingham Line") in the above captioned matter that extends from milepost QBS 0.00 at Framingham to milepost QBS 3.40 at the Framingham town line (the "Framingham Extension Request").<sup>2</sup>

CSX Transportation, Inc. ("CSXT"), as successor by merger to New York Central Lines, LLC, acknowledges the Sudbury Extension Request and the Framingham Extension Request (collectively, the "NITU Extension Requests") and wishes to continue the negotiations for an NITU with respect to the Sudbury Line and the Framingham Line as it has not consummated the abandonment, has been unable to finalize negotiations with Sudbury and Framingham (together the "Towns"), and desires to continue to negotiate

<sup>1</sup> Sudbury inadvertently described the end point of the Sudbury Line at "MP QBS 4.90".

<sup>2</sup> Based on the NITU expiration date, CSXT will deem Framingham's request to refer to May 8, 2010.

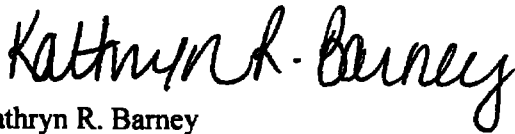
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for interim trail use/rail banking with the Towns. Therefore, CSXT concurs in the requests for an extension of the NITU negotiating deadline to May 8, 2010.<sup>3</sup> Additionally, CSXT respectfully requests an extension of the date to consummate the abandonment of the Line to July 7, 2010.

Accordingly, CSXT respectfully requests that the Board grant the NITU Extension Requests.<sup>4</sup>

CSXT is e-filing this notice. Thank you for your assistance. If you have any questions please call or email me.

Very truly yours,

A handwritten signature in black ink that reads "Kathryn R. Barney". The signature is written in a cursive, flowing style.

Kathryn R. Barney

cc: Parties of Record

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<sup>3</sup> The most recent extension for negotiating trail use for the Line expired on November 9, 2009 (the "Negotiating Deadline") and the current consummation deadline for consummating the abandonment is January 8, 2010. Sudbury appears to have inadvertently calculated the 180-day extension of the NITU expiration date to be May 1, 2010 – as opposed to May 8, 2010. Although CSXT would accept either date as the new NITU negotiating deadline, CSXT respectfully suggests setting the date to May 8, 2010 to avoid confusion in the future.

<sup>4</sup> As the Board noted in its Decision in this proceeding on June 8, 2009, "[i]n the event a] carrier has not consummated an abandonment at the end of the previously imposed negotiating period and has indicated its willingness to continue negotiations, the Board retains jurisdiction and the NITU negotiating period may be extended." See STB Docket AB-565 (Sub-No. 1X), June 8, 2009 (citing Birt v. STB, 90 F.3d 580, 588-90 (D.C. Cir. 1996); Grantwood Village v. Missouri Pac. R.R. Co., 95 F.3d 654, 659 (8th Cir. 1996)).